

REMARKS

Claims 1-11 are all the claims pending in the present application. In summary, the Examiner substantially maintains the same basis for the rejections set forth in the previous Office Action, however the Examiner applies a new reference Carlo (U.S. Patent No. 5,449,957) in combination with the previously applied references to support the rejections of the claims. Specifically, claims 1, 2, 4-6, and 11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Konno in view of Yoshizawa (U.S. Patent No. 6,414,586) and further in view of Carlo. Claim 3 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Konno in view of Yoshizawa and Carlo, and further in view of Lipschutz (U.S. Patent No. 4,583,148). Claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Konno in view of Yoshizawa and Carlo, and further in view of Mueller et al. (U.S. Patent No. 6,140,914). Finally, claims 8-10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Konno in view of Yoshizawa and Carlo, and further in view of Espinosa (U.S. Patent No. 5,448,218).

§ 103(a) Rejections (Konno / Yoshizawa / Carlo) – Claims 1, 2, 4-6, and 11

Claims 1, 2, 4-6, and 11 are rejected based on the reasons set forth on pages 2-7 of the present Office Action. Applicant traverses these rejections at least based on the following reasons.

With respect to independent claim 1, Applicant previously argued that the applied references, either alone or in combination, do not disclose or suggest at least, "said operation-equipment operation determining part permits the operation of said engine by using said permission information in said nonvolatile memory, when said engine is restarted in a predetermined time after generation of said permission information," as recited in amended claim 1. In the previous Office Action, only Konno and Yoshizawa was applied to support the rejection of claim 1. In the present Office Action, the Examiner applies a new reference, Carlo, which allegedly satisfies the above-quoted feature of claim 1. Specifically, the Examiner alleges:

Carlo teaches, in the art of remote control system, said operation-equipment operation determining part permits the operation of said engine by using said permission information in said nonvolatile memory, when said engine is restarted in a predetermined time after generation of said permission information (col. 1, lines 49-56, restart the engine within predetermined time without permission information) for the purpose of providing quick engine start.

In response, Applicant submits that the cited portion of Carlo only teaches that in the event of a stall, a shifting arrangement is again disabled for a predetermined time so as to allow the vehicle operator to restart the vehicle without having to again actuate an encoder. However, there is no teaching or suggestion of permitting the operation of an engine by using permission information in a nonvolatile memory. Further, there is no disclosure or suggestion of permitting the operation of the engine by using the permission information in the nonvolatile memory, when the engine is restarted in a predetermined time after generation of the permission information. That is, there is no teaching or suggestion in Carlo of permission information being generated, and certainly there is no teaching of an engine being restarted in a predetermined time after the

generation of the permission information. Therefore, at least since the above-quoted feature is not satisfied by any of the applied references, including Carlo, Applicant submits that independent claim 1 is patently distinguishable over the applied references, either alone or in combination.

Applicant submits that independent claim 2 is patentable at least based on reasons similar to those set forth above with respect to claim 1.

Applicant submits that dependent claims 4-6 and 11 are patentable at least by virtue of their respective dependencies from independent claims 1 and 2.

Rejections of Dependent Claims 3 and 7-10

Applicant submits that dependent claims 3 and 7-10 are patentable at least by virtue of their respective dependencies from independent claims 1 and 2. The quaternary references do not make up for the deficiencies of Konno, Yoshizawa, and Carlo.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No. 10/697,049

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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